8: Hall G-5 (1929-31) 1938 FO42 Rundi FO42

An instance which shows a number of these possibilities comes from the court book of Bugufi, a chiefdom in the north-west of Tanganyika Territory. A custom which might or might not be noted by the ethnographer—something must escape the most meticulous of observers, and this one is not recorded by Meyer for the Barundi, of whom the people of Bugufi are ethnologically part—is the right of the chief to pasture his cattle among the millet-stalks after the harvest, before the peasant may put in his own cattle or any which he is herding for some one else. The court book records eight peasants coming to court to complain against a Tusi who has driven off their cattle. The Tusi replies that the men had pastured their cattle in their millet before the chief had had access. Asked by the court whether he was instructed to drive off the cattle, the Tusi replies that he acted as he was bound to do in accordance with ancient custom and his obligations to the chief. New concepts have, however, found their way into the court, which gives judgement for the plaintiffs on the grounds that the land and the cattle were theirs. This case is exceptional in the wealth of statement and suggestion which it offers, but there are many others helpful in lesser degree.

The value of native court records in this way was brought home to me while stationed in this area, Bugufi, during the years 1929–31, when I went through the available material with a view to seeing what were the normal causes of litigation and getting a general idea of the law administered. Starting with the year 1924, the series was examined up to the end of 1930. For these seven years, 850 cases were found where judgement issued, there being a further 225 which had been settled out of court or dismissed for want of prosecution or by reason of limitation. Of these 850 cases, almost one-quarter concerned contracts where cattle were involved, nearly one-sixth were marital cases, and another sixth were over administrative matters, including offences against the Native Authority Ordinance: only one-seventh were of offences against person and property, and the remainder concerned debts, land, inheritance, damage to property and a few miscellaneous matters.

The fullest records were those of the numerous marital cases, and these have been fully collated with a view to giving an idea of how much information can be gleaned and what gaps remain, and what

suggestions there are of the effect of latter-day conceptions in superimposing themselves upon and modifying primitive law. Before going on to this, it should be added (what does not appear from the record) first, that the society of Bugufi is symbiotic, with a pastoral Tusi aristocracy, headed by a chief, dominating a semi-servile Hutu agricultural population, who largely outnumber the Tusi: secondly, that there have in Bugufi been strong forces making for change, quite apart from European administrative control. To go into these changes in detail is quite outside the scope of the present paper. It may be briefly mentioned, however, that the relative status of Tusi and Hutu is in process of rapid alteration, owing to the opportunities afforded to the Hutu under modern conditions of acquiring independent wealth, both through their labour (chiefly in Uganda) and latterly by the establishment in Bugufi of an economic crop, coffee. This change has meant maladjustment of the tribal structure. The chief sees in the economic independence of the Hutu an encroachment on his rights: and the Hutu regard the assertion of those rights as oppression. This conflict, together with the mental immaturity of the chief and the distance of the chiefdom—four days' march—from an administrative station, made it necessary for the government to establish a check in the form of a 'Native Adviser'. This system continued until early 1930, by which time an administrative station had been opened near the chief's head-quarters, and, he having shown signs of development, it was felt that an opportunity should be afforded the chief of ruling his country without the restriction of an adviser who was really a controller most of the time. These advisers, three in all, were alien to Bugufi. The first came from Bukoba, on Lake Victoria, where he later became town headman: the second was of Arab descent, having come from Urundi to live in Bugufi, where he had been settled for many years and enjoyed considerable respect: the last, a native of really fine character, who made every effort to train the chief for his work, was a Muziba from Bukoba District. All of them were charged with the dispensing of justice according to native law and custom—subject to altered concepts of crime, already imposed by the European régime, and to a general instruction to curb the oppressiveness of the chief, an instruction the interpretation of which might depend partly on the system of native law under which the adviser had been brought

9:Maquet E-5 (1949-1951)1961 FO42 Rundi FO42

informant. Sixteen Hutu and twenty Tutsi informants were interviewed. Two junior administrative officers, Messrs. E. Finoulst and G. De Clercq, who were taking a six-month course of training in anthropology, participated in the different stages of this inquiry, as did Mr. S. Naigisiki, who acted as assistant and interpreter.

The inquiry into the cosmological and ethical systems was carried out on similar lines. A schedule of thirty-five headings, under each of which several points were listed, was used in several collective and individual interviews.

This research from 1949 to 1951 forms the main basis for my *Système des relations sociales dans le Ruanda ancien*, published in 1954. But I have spent two other research periods in Ruanda (December 1952–December 1955 and September 1956–September 1957) on more specific topics. What was observed in these later periods, however, bearing on the topic of the earlier study, has been taken into account in the present volume.

Secondarily, the present study of Ruanda is based on literary sources published both before and after 1954. These are fully listed in the Bibliography.

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